

CHAPTER 2. HOUSE AND SENATE ETHICS COMMITTEES

Part 1. Membership, Meetings, and Staff

JR6-2-101. Ethics Committees -- Membership -- Jurisdiction.

- (1) There is established a Senate Ethics Committee and a House Ethics Committee.
- (2) The Senate Ethics Committee shall be composed of:
 - (a) the chair and three additional members appointed by the President of the Senate; and
 - (b) the cochair and three additional members appointed by the Senate minority leader.
- (3) The House Ethics Committee shall be composed of:
 - (a) the chair and three additional members appointed by the Speaker of the House of Representatives; and
 - (b) the cochair and three additional members appointed by the House minority leader.
- (4) Members of the committees shall serve two year terms.
- (5) If a complaint is filed against any member of the respective ethics committees, the President of the Senate or the Speaker of the House shall appoint another member of the Senate or House to serve in that member's place while the complaint is under review.

JR6-2-102. Ethics Committee -- Meetings and Staff.

- (1) The Senate and House Ethics Committees shall operate as both standing and interim committees.
- (2) The committees shall meet as necessary, either as called at the discretion of the chair or by a majority vote of the committee.
- (3) A majority of the committee is a quorum.
- (4) The staff of the committees consists of:
 - (a) the director of the Office of Legislative Research and General Counsel;
 - (b) the Legislative General Counsel; and
 - (c) any other members of the staff of that office designated by the director.

Part 2. Jurisdiction and Powers of Ethics Committee

JR6-2-201. Ethics Committee -- Jurisdiction.

The Senate Ethics Committee and House Ethics Committee shall review and adjudicate any charges brought against a member of the Senate or House for acts that violate:

(1) the Code of Official Conduct; or

(2) any law, rule, regulation, or other standard of conduct applicable to the conduct of a member of the Senate or House in the performance of legislative responsibilities, if the conduct would reflect discredit upon the Senate or House as a whole.

JR6-2-202. Powers -- Subpoena -- Contempt.

(1) In hearing and processing all complaints, the rules established by this Title 6 govern the procedures to be followed by the Senate and House Ethics Committees.

(2) (a) For all proceedings authorized by this title, the chair and the Director of the Office of Legislative Research and General Counsel may require, by subpoena or otherwise, the attendance and testimony of witnesses and the production of any materials that the committee considers necessary.

(b) The committee chair may direct staff to:

(i) issue subpoenas to require the attendance of witnesses;

(ii) issue subpoenas to direct the production of evidence; or

(iii) issue subpoenas that require both attendance and production of evidence.

(3) (a) (i) The witness's disobedience to the chair's direction to answer a question, to a subpoena to appear, to a subpoena to produce evidence, or to a subpoena that requires both attendance and production of evidence, constitutes contempt.

(ii) The chair's direction to answer a question may only be overruled by a vote of the majority of the committee members present.

(iii) Because the object of the Fifth Amendment privilege not to incriminate oneself is so that no criminal action will be prosecuted, it is improper for a witness to invoke the Fifth Amendment privilege if the witness cannot be prosecuted for the crime to which the witness's testimony relates.

(b) A majority of the members of the committee may compel obedience to the requirements of the committee by directing staff to file a contempt proceeding in state district

court against any person who:

- (i) fails to comply with a subpoena or a subpoena duces tecum;
- (ii) refuses to answer a question relevant to the investigation that does not infringe on the person's constitutional rights; or
- (iii) is guilty of contempt on any other grounds specified in statute or recognized at common law.